

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**THE GUARANTEE COMPANY OF
NORTH AMERICA USA,**

Plaintiff,

V.

**THYSSEN-LAUGHLIN, INC., and
LAUGHLIN-THYSSEN, INC., and
Marion J. Carter, individually, and Jane
Ellen M. Carter, individually,**

Defendants.

Civil Action No. 4:20-CV-00191

AFFIDAVIT OF GREGORY M. WEINSTEIN

Before me, the undersigned notary, on this day personally appeared Gregory M. Weinstein, the affiant, a person whose identity is known to me. After I administered the oath, affiant testified as follows:

1. "My name is Gregory M. Weinstein. I am over 18 years of age, am of sound mind, and am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct."

2. "I am counsel for Plaintiff The Guarantee Company of North America USA (the "Surety") in the above-styled and numbered cause and am authorized to make this affidavit on its behalf."

3. "On January 17, 2020, the Surety filed Plaintiff's Original Complaint against Defendants for breach of contract (general indemnity agreement), common law indemnity, exoneration, and recovery of attorneys' fees and expenses."

4. "Each Defendant was served with a summons and a copy of the Complaint on January 22, 2020 via personal service. Copies of the Affidavits of Service were filed with the Court on February 3, 2020 [Doc. Nos. 6-9]. Defendants did not file responsive pleadings nor otherwise defend the suit."

5. "FURTHER AFFIANT SAYETH NOT."



Gregory M. Weinstein

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority on this ____ day of January 2021.



Lakota Shalynn Waldrop
Notary Public in and for the
State of Texas

My commission expires: 1/31/2021

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**THE GUARANTEE COMPANY OF
NORTH AMERICA USA,**

Plaintiff,

V.

**THYSSEN-LAUGHLIN, INC., and
LAUGHLIN-THYSSEN, INC., and
Marion J. Carter, individually, and Jane
Ellen M. Carter, individually,**

Defendants.

Civil Action No. 4:20-CV-00191

AFFIDAVIT OF MILITARY STATUS

Before me, the undersigned notary, on this day personally appeared Gregory M. Weinstein, the affiant, a person whose identity is known to me. After I administered the oath, affiant testified as follows:

1. "My name is Gregory M. Weinstein. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct."
2. "I am counsel for Plaintiff The Guarantee Company of North America USA (the "Surety") in the above-styled and numbered cause and am authorized to make this affidavit on its behalf."
3. "Attached as **Exhibit B-1** is a true and correct copy of the search results obtained from the Defense Manpower Center for Marion J. Carter. The search was performed using Marion Carter's name and social security number. The search results indicated that Marion Carter has not been on active duty status within the last 367 days."

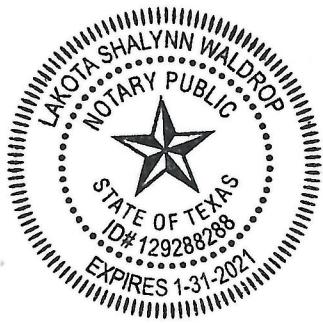
4. "Attached as **Exhibit B-2** is a true and correct copy of the search results obtained from the Defense Manpower Center for Jane Ellen Carter. The search was performed using Jane Ellen Carter's name and social security number. The search results indicated that Jane Ellen Carter has not been on active duty status within the last 367 days."

5. "FURTHER AFFIANT SAYETH NOT."



Gregory M. Weinstein

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority on this ____
day of January 2021.



Lakota Shalynn Waldrop
Notary Public in and for the
State of Texas

My commission expires: 1/31/2021

Exhibit B-1



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-9178

Birth Date:

Last Name: CARTER

First Name: MARION

Middle Name:

Status As Of: Jan-29-2021

Certificate ID: 4RV11CT7RRQL1QH

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director

Department of Defense - Manpower Data Center

400 Gigling Rd.

Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Exhibit B-2



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-7336

Birth Date:

Last Name: CARTER

First Name: JANE ELLEN

Middle Name:

Status As Of: Jan-29-2021

Certificate ID: NB7SGJ0GX6NZ6CV

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director

Department of Defense - Manpower Data Center

400 Gigling Rd.

Seaside, CA 93955

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The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

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